FILE COPY

IN THE

Supreme Court of the United States

OCTOBER TERM, A.D., 1958.

No. 861

JOSEPHINE DAVIDITIS, also known as JOSEPHINE DAVIS, STELLA C. DAVIS, and BETTY HORRIGAN,

Petitioners,

vs.

THE NATIONAL BANK OF MATTOON, Mattoon, Illinois, a banking corporation, WAYNE JOSEPH O'BRYAN, and JUNE ALBERTA O'BRYAN, and RAY M. FOREMAN,

Respondents.

Consolidated With

JOSEPHINE DAVIDITIS, also known as JOSEPHINE DAVIS, STELLA C. DAVIS, and BETTY HORRIGAN,

Petitioners,

vs.

HONORABLE CASPER PLATT, Judge of the United States District Court for the Eastern District of Illinois,

Respondent.

Petition for Rehearing on Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

JOSEPHINE DAVIDITIS, also known as JOSEPHINE DAVIS, Pro Se.
and
STELLA C. DAVIS, Pro Se.
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Oral Argument Requested.

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To The Honorable Earl Warren, Chief Justice, and Associate Justices of the Supreme Court of the United States:

Josephine Daviditis, also known as Josephine Davis, Stella C. Davis, and Betty Horrigan, petitioners, Pro Se

pray that their Petition be granted in said cause of action upon the ground and for the reasons hereinafter set forth in the petition herewith presented.

May It Please The Court:

That on the 1st day of June, 1959, the Supreme court of the United States of America, without "NOTICE" and "HEARING" and "ORAL ARGUMENT" denied the Petition For Writ of Certiorari To The United States Court of Appeals For The Seventh Circuit in the above entitled Cause of action.

That the petitioners were denied the opportunity to be heard on Oral Argument, to have their day in court, to protect their "RIGHTS" in which "Due Process of Law" provision of the 14th and 5th Amendment to the Constitution which guarantees to every person his day in Court and reasonable opportunity to be heard or defend as in the case of *Rosenblum* v. *Rosenblum*, 1943-42 New York 5 2d, 626; 181 Misc. 78.

The Order issued on June 1, 1959, by the Honorable Justices of the Supreme Court of the United States was a SURPRISE to the petitioners without Notice of Hearing, or Hearing, or Oral Argument whereas petitioners paid $150.00 docketing and oral argument fee to the clerk of the Supreme Court of the United States and who accepted said fee and in violation of the rules of said court 43(3), 44, and 45(1) did not seasonably advise counsel (petitioners are Pro Se) when they were required to be present in court when their cause of action came up for consideration and oral argument. Petitioners' appearance was entered in the Supreme Court and confirmed by the clerk of the court on April 30, 1959. The clerk of the court did not send the opinion of the court which is necessary on which to base

their points and views for a Petition for Relearing, only a mimeograph form letter that the court denied Petition for Writ of Certiorari.

The petitioners further state that they were denied the right to have their day in court in five other causes of action docketed in the Supreme Court of the United States because they were not notified of the day of Hearing of their cause, that they paid $100.00 each case docketing fee, observed the rules of the court, docketed their printed briefs and petitions, tried to enter appearances, but were denied that right because they were Pro Se, yet they were judged by the same legal standards as petitioners and appellants who were represented by counsel and afforded the courtesy of notification of the day of hearing of cause of action and to be present in court when the case was up for consideration. (Petition Appendix "A" p. 24-25)

1. It appears to the petitioners that certain points and views presented in their Petition For Writ of Certiorari have been overlooked and that the respondents, The National Bank of Mattoon, a banking corporation, Wayne Joseph O'Bryan, June Alberta O'Bryan, and Ray M. Foreman, and respondent, Honorable Casper Platt, Judge of the United States Court for the Eastern District of Illinois, did not docket or serve petitioners within thirty days their opposing briefs disclosing any matter or ground why the case should not be reviewed by the Supreme Court of the United States.

2. The Supreme Court overlooked violation of U.S.C. 18, sec. 401(1)(2) and rules of U.S. Court of Appeals, 7th Circuit U.S.C. 28, 8(c) (d) 16(j) of Civ. R. of F.P. in which appellees did not serve three copies of their briefs and motion to dispense with printing of same upon appellants, and a false affidavit of service, regarding the above

by appellee, Ray M. Foreman, an attorney, and former U.S. Assistant attorney was filed in said court, whereas Clyde Meachum (Pet. 12-13) appellee's attorney, and former federal referee in bankruptcy was in violation of U.S.C. 18, sec. 401(1)(2) regarding the false affidavit, contradictory statements regarding signatures of appellants and misbehavior while court was in session, etc.

FALSIFYING A RECORD IS A HIGH OFFENSE AGAINST PUBLIC JUSTICE.

U.S. Rev. Stat. 5394, 18 U.S.C.A. 1506.

3. Honorable Casper Platt's prior interest in petitioners' cause of action, conflict of interest, bias and prejudice in petitioners' cause of action. (pet. p. 13-14) Pursuant to U.S.C. 28 sec. 454, any judge or justice of the U.S. shall disqualify himself where he has substantial interest or material witness or connected with any party or his attorney as to render it improper in his opinion for him to sit on the trial etc. Respondent's attorney, Clyde Meachum was a law clerk of said judge, a former federal referee in bankruptcy and a law partner of respondent, Ray M. Foreman, and petitioners were Pro Se trying to protect their rights.

Mandamus is the proper means for testing the legality of these orders by the trial judge.

Personal Bias as a prerequisite to disqualification of a Judge is an attitude of extra judicial origin (*Ferrari v. U.S.C.A.*, Cal. 1948, 169 F. 2d, 353.)

4. The court had erroneously ignored undisputed evidence of FORGERY by uncontradicted evidence of same as supported by Exhibits and affidavits and certificate of forgery by Anne Shaw of Toronto, Ont., Canada with copy

of same to J. Edgar Hoover, F.B.I., Washington, D.C. That the respondent, The National Bank of Mattoon, a banking corporation was in a fiduciary position with petitioners' father and husband for many years and O.K.'d the forged signatures on said checks (exhibits) and same was cleared through the Federal Reserve Bank of Chicago.

Spies v. Nat'l City Bank, 174 N. Y. 222, 225, 66 N.E. 736, 61 L.R.A. 193.

(app. 9a-13a, 32, 32-37a)

5. It is the right of every private citizen of the United States to inform an F.B.I. agent, Treasury Agent, etc. of violations of Internal Revenue Laws or other U.S. Laws under Rule 56 of 1895, U.S.C. 28 and the Anti Moiety Act of June 22, 1874 C 391.

The Supreme Court of the United States, the U.S. Court of Appeals, 7th Circuit, and the Trial Courts, ignored criminal allegations and other allegations made by the petitioners (brief app. 11, 3, 12, 13, 16a, 17a, 18a, 19a, 20a, 21a, petition appendix p. 24-25) and supported by uncontradicted prima facie evidence by Exhibits, certificate of Forgery and Affidavits (A, B, C, D, pp. 2, 3 of transcript, 10a, 11a, 11b, p. 32 of brief and app.) regarding the respondents, The National Bank of Mattoon, a banking corporation, Ray M. Foreman, Assistant U.S. District Attorney together with Clyde Meacham and Kenneth Clapper, attorneys and federal referee in bankruptcy, Wayne Joseph O'Bryan, and June Alberta O'Bryan and others complained about to the Federal Bureau of Investigation, who were in collusion to subvert the administration of justice whereas the corporation, attorneys and individuals complained about to the federal agencies conspired and eventually got into a fiduciary position to cover up forgeries, fraud, em-

bezzlement, falsification and reissuance of U. S. Treasury and U.S. Savings Bonds, irregular and fraudulent Income Tax, concealment of income falsely obtained, large check forgeries which respondent bank Ok'd for forged enforcements and The O'Bryans gave in consideration in the Fraudulent Conveyance of a farm located in Champaign County, State of Illinois.

The petitioners went to many field offices of the Federal Bureau of Investigation for many years and as the result of these contacts with the F.B.I., petitioner, Stella C. Davis, was advised to see Assistant U.S. District Attorney Ray M. Foreman about their complaints, and as the result of this advice and contact, Ray M. Foreman by fraud and conspiracy and in "Conflict of Interest" entered officially their cause of action and aided by others complained to F.B.I. together with Kenneth Clapper and eventually Clyde Meachum to aid, and protect the corporations, attorneys, politicians, bankers and individuals complained about to the Federal Bureau of Investigation and eventually to other federal agencies.

In Re Quarles, Ga. 1895 15 S. Ct. 159 U.S. 537, 39 L ed. 1080 (Tr. 170-177) and U.S. Rev. Stat. 5508, Title 18, sec. 51 and The Anti Moiety Act of June 22, 1874 (Pet-Re-Hearing p. 10) which do confer jurisdiction.

Both State and Federal Courts have concurrent jurisdiction of actions in personam for recovery of money and property.

Brown v. *Duffin*, C.C.A. Ky. 1926, 13 F 2d 708.

NO FRAUD IS MORE ODIOUS THAN AN ATTEMPT TO SUBVERT THE ADMINISTRATION OF JUSTICE.

Dickerman v. Northern Trust Co., 176 U.S. 181, 20 S. Ct. 311, 44 L ed, 423.

As the result of the complaints to the F.B.I. and the U.S. Attorney's office in Danville, Illinois, through Ray M. Foreman, aided by Clyde Meacham, and Kenneth Clapper (rec. p. 26, 33, 38, 30, 40, Brief-App. 4, 5, 29a) and other respondents who aided and abetted them and entered their causes of actions both on the municipal, and state levels and on the federal levels to perpetrate criminal fraud, conspiracy, deceit aided by respondents and others complained to F.B.I. and used "Forms of Law" to render the petitioners helpless and without any legal redress except:

1. To petition this Honorable Court for Writ of Certiorari to Review the Decisions of the U.S. Court of Appeals for the Seventh Circuit.

2. To have the Federal Bureau of Investigation makes a public statement that the petitioners did contact the F.B.I. for many years, did give them information and that the Special Agent of the F.B.I. who was in the Springfield office of the F.B.I. come forward and make a public statement that he did advise Stella C. Davis to go to the U.S. Attorney's office in Danville, Illinois, and see Ray M. Foreman in regard to her complaints.

3. That the respondents be tried by a federal grand jury and that the petitioners given the right to present evidence to the federal grand jury against the respondents and others complained about the F.B.I. on criminal charges.

4. That the attorneys mentioned in their pleadings and others complained about to the F.B.I. and other federal

agencies and state agencies stand disbarment proceedings for malfeasance, malpractice and criminal charges.

5. That petitioners be allowed to amend their complaint.

6. That petitioners be given the right of Trial by Jury on all triable issues.

7. That the forgeries of large checks which the respondent bank OKed for indorsements be made a part of the criminal proceedings thereon.

8. That Petition for Writ of Mandamus be allowed.

9. That the decisions of the United States Court of Appeals for the Seventh Circuit be reversed.

10. That the petitioners be allowed their day in the Supreme Court of the United States on Oral Argument as paid for in their $150.00 docketing and oral argument fees to the Clerk of the Supreme Court of the United States.

CONCLUSION

It is the opinion of the petitioners that this Court has either overlooked or misapprehended the points and views hereinabove pointed out; and that they did not have their day in court as prescribed by the rules of this court and the constitution in view of the fact that they paid for this privilege, and it is urged that a rehearing with Oral Argument should be granted and that on such rehearing the Orders of the United States Court of Appeals for the Seventh Circuit be reversed and petitioners be allowed to go before Federal Grand Jury, have trial by jury and have the court institute disbarment proceedings against attorneys complained about to F.B.I. and mentioned in the pleadings and the FBI make a public statement that petitioners complained to them and special agent of the F.B.I. come forward and confirm the statements of Petitioner, Stella C. Davis regarding Respondent, Ray M. Foreman.

Respectfully submitted,

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